

Comptroller all land scrip, loan bonds and other obligations of the late Republic of Texas and burn the same, &c., and that Messrs. Bee, Crump of Austin and Lott were appointed said committee, on the part of the House, to perform said duty; also, that the House had elected Messrs. Crump of Austin and Shea a committee, on the part of the House, to visit the Penitentiary; also, that the House had passed a bill for the relief of C. C. Taylor.

A bill, concerning passengers coming to the State of Texas; read second time, and ordered to be engrossed.

A bill authorizing and requiring the Governor to subscribe for 1500 copies of a digest of the laws of Texas proposed to be published by O. C. Hartley, Esq.; read third time and passed.

A bill defining the boundaries of the county of Santa Fe; read third time and passed.

A bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe; read third time and passed.

On motion of Mr. Cooke, the Senate adjourned.

WEDNESDAY, 9 o'clock, A. M., December 5, 1849.

The Senate was called to order by the President. Senators present: Messrs. Davis, Page, Grimes, Hart, Latimer, McRae, Moffett, Parker, Phillips, Pease, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace.

Prayer by the Chaplain. The journals of yesterday were read and adopted.

The President appointed Messrs. Pease and Phillips a committee of conference, on the part of the Senate, on a bill to authorize and empower all State, District and County officers to perform the duties of their respective offices until their successors are elected and qualified, according to law.

Mr. Grimes, chairman of the committee on Finance, made the following report:

COMMITTEE ROOM, December 5, 1849.

To the Honorable JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred a bill providing payment for forage, subsistence, &c. of a company of mounted volunteers mustered into the service of the State, &c.,

have had the subject under consideration, examined and compared some of the numerous vouchers with the accounts and find them regular and apparently well authenticated. Many of the supplies are charged at a high rate, but the peculiar situation of the country and nature of the service was such that your committee decline declaring these charges exorbitant. Another inquiry to be made is, how far the State is bound to pay these expenses, and the expediency of doing so, when it is understood that other claims of a like nature to a large amount will probably be presented to this Legislature.

Viewing the subject in its various different bearings, your committee decline giving any definite opinion, but return the bill back for the action of the Senate.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred the petition of Daniel Martindale, reported the same back to the Senate and recommended that no further action be had on the same, and asked that they be discharged from its further consideration.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported correctly engrossed a bill to regulate ferries, and a joint resolution authorizing the Comptroller to sell certain property pertaining to the late Republic of Texas.

ORDERS OF THE DAY.

A bill for the relief of C. C. Taylor; read first time.

A bill to exempt buildings and grounds designed and used for purposes of education and public worship from taxation; read third time and passed by the following vote:

Yeas: Messrs. Cooke, Davis, Gage, Grimes, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip and Wallace—17.

Nays: Mr. Hart—1.

Joint resolution authorizing the Comptroller to sell certain property pertaining to the late Republic of Texas; read third time and passed.

Mr. Cooke, chairman of the committee on Claims and Accounts, to whom was referred a bill for the relief of Jonathan Bird, reported a substitute for the same and recommended its adoption; report adopted, and, on motion of Mr. Wallace, bill was laid up on the table until to-morrow.

A bill to regulate ferries; read third time.

Mr. Wallace moved to amend the bill by striking out the 2d section; upon which the yeas and nays were called, and stood thus:

Yeas: Messrs. Davis, Grimes, Latimer, McRae, Moffett, Portis, Truit and Wallace—8.

Nays: Messrs. Cooke, Gage, Hart, Parker, Pease, Phillips, Robertson, Taylor, Van Derlip and Ward—17; lost.

The bill was then passed.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had passed a joint resolution for the relief of Albert Von Germar, which originated in the Senate, and a bill to provide for the removal of the munitions of war, belonging to the State of Texas, to the city of Austin, which originated in the House; read first time.

Resolution authorizing M. B. Erwin, Door-Keeper, to employ a servant, at the rate of one dollar per day, to attend to the menial duties of said office, was read and adopted.

A bill to authorize any two county commissioners to perform the duties of chief justice of the county court, when said office is vacant, or when said officer is absent from the county or is unable or disqualified to act; read second time, and, on motion of Mr. Pease, referred to the Judiciary committee.

A bill to fix the whole number of Senators, at twenty-one, and apportion them among the several districts herein established, according to the number of qualified electors, and to apportion fifty-two, the whole number of Representatives, among the several counties, according to the number of free white population in each; read second time, and, on motion of Mr. Wallace, made the order of the day for Friday, the 7th inst.

A bill supplementary to an act creating fees of office, approved March 20th, 1848; read second time, and, on motion of Mr. Wallace, referred to the Judiciary committee.

A bill to incorporate the Nueces Manual Labor School; read second time, and, on motion of Mr. Kinney, referred to the committee on Education.

Joint resolution authorizing the procurement of a slab of native marble of the required dimensions to be placed in the national monument being built in the city of Washington; read second time, and, on motion of Mr. Latimer, referred to the committee on Federal Relations.

Joint resolution for the relief of James M. Manning; read second time, and, on motion of Mr. Kinney, referred to the committee on Private Land Claims.

A bill supplementary to an act regulating appeals to the Supreme Court in criminal cases, approved 13th May, 1846;

read second time, and, on motion of Mr. Ward, referred to the Judiciary committee.

A bill to incorporate the Texas Monumental Committee; read second time, and, on motion of Mr. Grimes, referred to the Judiciary committee.

A bill to define the time of holding the District Court in the Eleventh Judicial District; read second time and ordered to be engrossed.

A bill to establish the Eleventh Judicial District of the State of Texas; read second time, and ordered to be engrossed.

A bill to incorporate the Marshall Cemetery Company; read second time, and passed to the third reading.

Mr. Robertson, chairman of the committee on Private Land Claims, made the following report:

Committee Room, December 5, 1849.

To the Hon. JOHN A. GREER,

President of the Senate.

The committee on Private Land Claims, to whom was referred a bill authorizing and requiring the Commissioner of the General Land Office to issue a head-right patent to A. S. Cunningham, have had the same under consideration, and have instructed me to report:

That the case of Mr. Cunningham is one that commends itself to the favorable consideration of the Senate; his head-right certificate was rejected by the travelling board of Land Commissioners authorized to examine the same under the laws of the then Republic of Texas; he shortly after the rejection of his said certificate, and within the time prescribed by the constitution, commenced his suit in the District Court of his county to establish the legality of the same, and from the fact that the laws require him to prove, by parol testimony of two witnesses, the facts of his emigration, citizenship, &c., &c., he has been unable, up to this time, to do so, owing to the fact that those who served in the army with, and were personally acquainted with him, are scattered through the State at such great distances from the county where the suit is instituted that he is and has been unable to get witnesses before the court to establish his claim. The proof of Mr. Cunningham's having served in the army in 1836, and of his having resided in the country and having discharged the duties of a citizen up to the present time was made before the committee; and, also, that the suit is still pending in Victoria county, and that it has been continued from term to

term for want of the proper witnesses, and is still pending, and that no decision has been made by the court in said case.

Your committee, from these facts, believe that the bill for his relief commends itself to the favorable consideration of the Senate, without amendment, and recommend its passage.

A bill authorizing and requiring the Commissioner of the General Land Office to issue a head-right certificate to A. S. Cunningham; read second time, and ordered to be engrossed.

A bill extending the time for taking out unconditional head-rights, together with the report of the committee on Public Lands offering a substitute therefor, was read; report adopted, and bill ordered to be engrossed.

On motion of Mr. Pease, a committee of five were appointed to revise the rules of the Senate.

Messrs. Pease, Phillips, Van Derlip, Wallace and Grimes were appointed said committee.

A bill for the relief of the citizens of Jasper county, together with the report of the committee on Public Lands offering two additional sections as amendments, was read; report adopted and ordered to be engrossed.

The report of the committee on Private Land Claims, on the petition of Daniel Martindale, was read and adopted.

A bill providing payment for the forage, subsistence, &c. of the company of mounted volunteers mustered into the service of this State, on the 10th day of June, 1849, by Col. H. L. Kinney; read, and, on motion of Mr. Portis, made the special order of the day for to-morrow.

Mr. Parker introduced a bill to establish the Ninth Judicial District; read first time.

Mr. Phillips offered the following resolution:

Resolved, That, in accordance with the recommendation of the Governor to observe Thursday as a day of thanksgiving throughout the State, the Senate stand adjourned until Friday; adopted.

FRIDAY, 9 o'clock, A. M., December 7, 1849.

The Senate was called to order by the President. Senators present: Messrs. Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Waid and Wallace.